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C.R.S.A. § 1-13-715

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West's Colorado Revised Statutes Annotated Currentness

Title 1. Elections (Refs & Annos)

General, Primary, and Congressional Vacancy Elections

Article 13. Election Offenses (Refs & Annos)

Part 7. Offenses--Conduct of Elections (Refs & Annos)

→ § 1-13-715. Liquor in or near polling place

(1) It is unlawful for any election official or other person to introduce into any polling place, or to use therein, or to offer to another for use therein, at any time while any election is in progress or the result thereof is being ascertained by the counting of the ballots, any intoxicating malt, spirituous, or vinous liquors.

(2) It is unlawful for any officer or board of officers of any county or any municipality, whether incorporated under general law or by special charter, who may at any time be by law charged with the duty of designating polling places for the holding of any general or congressional election therein, to select therefor a room wherein any intoxicating malt, spirituous, or vinous liquors are usually sold for consumption on the premises.

(3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1983, S.B.187, § 31; Laws 1996, H.B.96-1061, § 52, eff. July 1, 1996.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1996 amendment, in subsec. (2), deleted "or a room within the distance of fifty feet, measured in a direct line, of any place where any such liquors are usually sold for consumption on the premises" from the end.

CROSS REFERENCES

Qualifications for election judges, see § 1-6-101.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 353.

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→§ 1-13-716. Destroying, removing, or delaying delivery of election records

(1) No person shall willfully destroy, deface, or alter any ballot or any election records or willfully delay the delivery of any such ballots or election records, or take, carry away, conceal, or remove any ballot, ballot box, or election records from the polling place or from the possession of a person authorized by law to have the custody thereof, or aid, counsel, procure, advise, or assist any person to do any of the aforesaid acts.

(2) No election official who has undertaken to deliver the official ballots and election records to the county clerk and recorder shall neglect or refuse to do so within the time prescribed by law or shall fail to account fully for all official ballots and other records in his charge. Informality in the delivery of the ballots and election records shall not invalidate the vote of any precinct if such records are delivered prior to the canvassing of the votes by the county board of canvassers.

(3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪314, 317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 329, 353.

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▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

→ § 1-13-717. Penalty for destruction of supplies

Any person who, during an election, willfully defaces, tears down, removes, or destroys any card of instruction or sample ballot printed or posted for the instruction of voters or who, during an election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot or willfully hinders the voting of others is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 353.

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▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

→ § 1-13-718. Release of information concerning count

Any election official, watcher, or other person who releases information concerning the count of ballots cast at precinct polling places or of absentee voters' ballots prior to 7 p.m. on the day of the election is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1993, H.B.93-1255, § 122, eff. July 1, 1993.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1993 amendment substituted "absentee" for "absent".

LIBRARY REFERENCES

2000 Main Volume

Elections ⇨ 314, 317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 329, 353.

NOTES OF DECISIONS

Recount 1**1. Recount**

Fraud and gross negligence and disregard of duties in election held such as could not be purged by recount (C.L. §§ 7691, 7692, 7744, 7745). People v. Lindsey, 1927, 253 P. 465, 80 Colo. 465, certiorari denied 47 S.Ct. 767, 274 U.S. 757, 71 L.Ed. 1336. Elections ⇨ 232

C. R. S. A. § 1-13-718, CO ST § 1-13-718

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→ § 1-13-719. Employer's unlawful acts

(1) It is unlawful for any employer, whether corporation, association, company, firm, or person, or any officer or agent of such employer:

(a) In any manner to control the action of his employees in casting their votes for or against any person or measure at any precinct caucus, assembly, or convention; or

(b) To refuse to an employee the privilege of taking time off to vote as provided by section 1-7-102, or to subject an employee to a penalty or reduction of wages because of the exercise of such privilege, or to violate any of the provisions of section 1-7-102 in any other way; or

(c) In paying his employees the salary or wages due them, to enclose their pay in pay envelopes upon which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions, views, or actions of such employees; or

(d) Within ninety days of any election provided by law, to put up or otherwise exhibit in his factory, workshop, mine, mill, boardinghouse, office, or other establishment or place where his employees may be working or be present in the course of such employment any handbill, notice, or placard containing any threat, notice, or information that, if any particular ticket or candidate is elected, work in his place or establishment will cease in whole or in part, or his establishment will be closed, or the wages of his workmen will be reduced or containing other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees.

(2) Each offense mentioned in subsection (1) of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111. In addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this state.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 317, 319, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 330, 353.

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C.R.S.A. § 1-13-720

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▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

→ § 1-13-720. Unlawfully giving or promising money or employment

(1) It is unlawful for any person, directly or indirectly, by himself or through any other person:

(a) To pay, loan, or contribute, or offer or promise to pay, loan, or contribute, any money or other valuable consideration to or for any elector, or to or for any other person, to induce such elector to vote or refrain from voting at any election provided by law or to induce any elector to vote or refrain from voting at such election for any particular person or to induce such elector to go to the polls or remain away from the polls at such election or on account of such elector having voted or refrained from voting for any particular person or issue or having gone to the polls or remained away from the polls at such election; or

(b) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any election provided by law or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money wholly or partially expended in bribery at any such election; or

(c) To give, offer, or promise any office, place, or employment or to promise, procure, or endeavor to procure any office, place, or employment to or for any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting at any election provided by law or to induce any elector to vote or refrain from voting at such election for any particular person or issue.

(2) Each offense set forth in subsection (1) of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 316, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 332, 353.

UNITED STATES SUPREME COURT

First Amendment, election day prohibition on solicitation of votes, displays, or distribution of campaign materials

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C.R.S.A. § 1-13-721

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▣ Article 13. Election Offenses (Refs & Annos)

▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

→§ 1-13-721. Receipt of money or jobs

(1) It is a misdemeanor for any person, directly or indirectly, by himself or through any other person:

(a) Before or during an election provided by law, to receive, agree to accept, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote or refraining or agreeing to refrain from voting for any particular person or measure at any election provided by law;

(b) During or after an election provided by law, to receive any money or other valuable thing on account of himself or any other person for voting or refraining from voting at such election, or on account of himself or any other person for voting or refraining from voting for any particular person at such election, or on account of himself or any other person for going to the polls or remaining away from the polls at such election, or on account of having induced any person to vote or refrain from voting for any particular person or measure at such election.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1982, H.B.1031, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪216.

Westlaw Topic No. 144.

C.J.S. Elections § 204 et seq.

UNITED STATES SUPREME COURT

First Amendment, election day prohibition on solicitation of votes, displays, or distribution of campaign materials near polling place, see *Burson v. Freeman*, 1992, 112 S.Ct. 1846, 504 U.S. 191, 119 L.Ed.2d 5.

C. R. S. A. § 1-13-721, CO ST § 1-13-721

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C.R.S.A. § 1-13-722

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▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

→ § 1-13-722. Defacing or removing abstract of votes

Any person who defaces, mutilates, alters, or removes the abstract of votes cast posted upon the outside of the polling place in accordance with section 1-7-602 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1999, Ch. 154, § 23, eff. July 1, 1999; Laws 1999, Ch. 186, § 1, eff. Aug. 4, 1999.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Laws 1999, Ch. 154, § 23, inserted "cast".

Laws 1999, Ch. 186, § 1, substituted "1-7-602" for "1-7-311".

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-722, CO ST § 1-13-722

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C.R.S.A. § 1-13-723

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▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

→§ 1-13-723. Penalty for neglect of duty--destruction of ballots--breaking seal

(1) Every officer upon whom any duty is imposed by any election law who violates his duty or who neglects or omits to perform the same is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

(2) Any official or person, except one authorized by law, who breaks or loosens a seal on a ballot or a ballot box with the intent to disclose or learn the number of such ballot or ballot box is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪314, 317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 329, 353.

C. R. S. A. § 1-13-723, CO ST § 1-13-723

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C.R.S.A. § 1-13-801

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▣ Part 8. Offenses--Absentee Voting and Voting by New Residents (Refs & Annos)

→ § 1-13-801. Mailing other materials with absentee voter's ballot

It is unlawful for any county clerk and recorder to deliver or mail to a registered elector, as a part of or in connection with the absentee voter's ballot, anything other than the voting material as provided in article 8 of this title. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1993, H.B.93-1255, § 123, eff. July 1, 1993.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1993 amendment, in the first sentence, substituted "absentee" for "absent".

LIBRARY REFERENCES

2000 Main Volume

Elections ⇨ 314, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 353.

C. R. S. A. § 1-13-801, CO ST § 1-13-801

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C.R.S.A. § 1-13-802

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▣ Part 8. Offenses--Absentee Voting and Voting by New Residents (Refs & Annos)

→§ 1-13-802. Absentee voter applications and deliveries outside county clerk and recorder's office

No county clerk and recorder shall accept any application for any absentee voter's ballot nor make personal delivery of any such ballot to the applicant unless such acceptance and delivery occurs within the confines of the official office of such county clerk and recorder, except as otherwise provided in sections 1-8-104, 1-8-106, and 1-8-112. Any acceptance or delivery contrary to the provisions of this section renders void the ballot to which it relates. Each violation of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1993, H.B.93-1255, § 124, eff. July 1, 1993; Laws 1996, H.B.96-1061, § 80, eff. July 1, 1996.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1993 amendment, in the first sentence, substituted "absentee" for "absent".

The 1996 amendment, in the first sentence, substituted "sections 1-8-104, 1-8-106, and 1-8-112" for "sections 1-8-103, 1-8-105, and 1-8-111."

LIBRARY REFERENCES

2000 Main Volume

Elections ¶316, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 332, 353.

C. R. S. A. § 1-13-802, CO ST § 1-13-802

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→ § 1-13-803. Offenses relating to absentee voting

Any election official or other person who knowingly violates any of the provisions of article 8 of this title relative to the casting of absentee voters' ballots or who aids or abets fraud in connection with any vote cast, or to be cast, or attempted to be cast by an absentee voter shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1993, H.B.93-1255, § 125, eff. July 1, 1993; Laws 1995, H.B.95-1241, § 89, eff. July 1, 1995.

HISTORICAL AND STATUTORY NOTES


2000 Main Volume

The 1993 amendment substituted "absentee" for "absent" in two places.

The 1995 amendment substituted "shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment" for "is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111".

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2000 Main Volume

Elections  314, 317, 332.

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1 MR. DICKSON: I am just glad to
2 have more of us.

3 MR. KLINER: Mr. Chairman,
4 Whereas the Election Assistance Commission
5 is an agency of the United States Federal
6 Government created by the Help America
7 Vote Act, and whereas, the working group
8 met in May, 2006, and heard an initial
9 verbal presentation of information to be
10 included in a report on voter fraud and
11 voter intimidation and made specific
12 recommendations for the content of the
13 report, whereas the voter fraud and
14 intimidation report was submitted to the
15 EAC on or about July, 2006, but was not
16 released to the public, whereas on or
17 about 2006, [REDACTED] wrote a letter
18 of complaint regarding the failure to
19 timely release the report, noting that
20 these issues are of utmost important to
21 the fair administration of elections, and
22 whereas the EAC released in December of

1 2006 a severely edited version of the
2 voter fraud and intimidation report to the
3 public, and whereas these issues of voter
4 fraud and intimidation have become the
5 justification for many states passage of
6 voter identification and citizenship laws,
7 now, therefore, be it resolved that the
8 Board of Advisors recommends to the United
9 States Election Assistance Commission that
10 it release the original voter fraud and
11 intimidation report to the public, and in
12 the alternative, be it resolved that the
13 Board of Advisors recommends to the United
14 States Election Assistance Commission that
15 it release the voter fraud and
16 intimidation report to the EAC Board of
17 Advisors for its review.

18 I would note that the period
19 after, and in the next to the last
20 paragraph, should be deleted and the
21 period, EAC was deleted. Those are typos
22 that are my fault.

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1 Approved as to form by the
2 committee.

3 MR. THOMAS: Thank you. Barbara
4 Arnwine.

5 MS. ARNWINE: Yes, if I may. I
6 raised this issue yesterday, and I just
7 wanted to offer one clarification. The
8 letter that I wrote is dated October 6,
9 2006. I did receive a response on October
10 12, 2006, to my letter, and the report was
11 released, to my best information, in
12 December.

13 The concern, basically, is one
14 of transparency, and I also would say I
15 think it goes a lot also to the
16 credibility of the EAC before the advocacy
17 community, that in serving on the working
18 group, it was my understanding that this
19 was an important function, to come up with
20 a good analysis of the real data and
21 evidence on voter fraud and voter
22 intimidation. And two very capable

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1 consultants had been hired to engage in
2 preparing that report, and it was our
3 understanding that the report would, in
4 fact, be submitted. And it was our
5 expectation that it would be released as
6 submitted.

7 Unfortunately, there was this
8 delay that raised the question within the
9 advocacy community of why the delay and it
10 was unclear why the report was not being
11 released immediately. That was
12 compounded, of course, by state
13 legislature that is engaging in a series
14 of strategy for adopting a series of
15 statutory provisions that, in fact, were
16 presuming fraud and other basis for their
17 putting together voter identification
18 laws, some of them very onerous and
19 onerous citizenship requirement laws.

20 As a consequence, one of our
21 concerns, and the reason I wrote the
22 letter is I felt the report needed to come

1 out, and it would be helpful to the
2 conversation of all of us who are in
3 active debate on these issues.

4 As you may recall, in late
5 October, the U.S. Congress and the House
6 had a huge fight on this very issue, a
7 very close vote on the issue of voter
8 identification. And, once again, the
9 issue of what role does it play in
10 deterring fraud was at the basis of the
11 contention.

12 Those who, of course, are pro
13 these laws believe very strongly that they
14 have that deterrent effect. There are so
15 much issues here, I won't try to do them
16 all, but what I will say is that I believe
17 that it is important to our role for the
18 EAC itself, in its issues of transparency,
19 to make sure that an issue this critical,
20 this important, this at the forefront of
21 the major debates out there in the field
22 on what is a fair electoral process, that

1 this should have -- this report, at the
2 minimum, should have been presented to
3 this body, and for us to have had some
4 attempt to review it in its original form
5 and at a maximum, that it should have been
6 released to the public, that I have really
7 concerns about what has happened here.

8 I think that in the absence of
9 this body's voluntary releasing the report
10 to the field, that Foyer requests that
11 have not filed that will compel our
12 lawsuits that will follow will somehow
13 compel the release of this report, and
14 it's going to be embarrassing because
15 there shouldn't be anything for us to feel
16 that it should not be released.

17 If the body had felt that the
18 consultants, as was expressed yesterday,
19 over personalized their opinions within
20 the report, I think there's other ways
21 that could have been handled, but I do
22 have a problem with the withholding of the

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1 document and of the subsequent what I
2 think will be embarrassment as we proceed
3 with these Foyer requests and other
4 attempts that groups are already
5 undertaking to obtain the original report.

6 And so I, therefore, made my
7 motion, I hope, in the best spirit to
8 acquire the original report, which I do
9 not have a copy of and I have not seen, so
10 I have no idea how it differs in total
11 substance, but I understand it differs
12 significantly from just the -- whatever
13 you call it. As everybody knows, the only
14 secret in D.C. is a syndicated secret, as
15 far as I understand, and I would like to
16 see the original report, and I think this
17 whole body should have that original
18 report.

19 MR. THOMAS: [REDACTED] is out of the
20 room so I will give him an opportunity to
21 speak when he gets back. Any other
22 discussion? Question?

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1 MR. CUNNINGHAM: Keith
2 Cunningham. Is it common practice to edit
3 reports prior to their release? I'm not
4 sure how the Commission works. Is that
5 germane to this particular report or have
6 you done it on other reports?

7 MS. HILLMAN: We have had other
8 studies where we have received the
9 information from consultants that has
10 informed a report that the EAC releases.
11 So it's not the first time that we have
12 not released the full report that has come
13 in to us.

14 MR. CUNNINGHAM: Was that the
15 situation with the provisional ballot
16 report?

17 MR. WILKEY: That was the case
18 and others, and is certainly a part of how
19 we structure our contracts. When we
20 develop a contract with a consultant, we
21 ask them to research a specific issue.
22 In this particular case, it was a first

005982

1 step effort of what we see as a long-term
2 process of studying the issue, looking at
3 what was out there in terms of available
4 information resources, what have you,
5 giving us the draft report.

6 That report was, of course, pre
7 decisional on our part. Let me add that
8 as part of this report, that the two
9 consultants, one -- and I will be very
10 frank with you, whose work I have greatly
11 admired over the years and whose
12 recommendation I did a significant amount
13 of research in the appendix of this
14 record, all of which in its entirety was
15 made available and is up on our web site
16 for everybody to see. There was a
17 tremendous amount of research effort, but
18 as you recall, and I didn't happen to be
19 in the room because we had that
20 simultaneous meeting both of your board
21 and Standards Board, but I am made to
22 understand that there was a status report

005983

1 given on this very subject in which there
2 was a great deal of interest and a great
3 deal of discussion from various board
4 members about issues related to that
5 report.

6 And so, again, taking advice
7 from this board, as we're required to do
8 and we will do, we followed in that
9 direction and took this report. And staff
10 looked at it, presented it to the
11 Commission in the appropriate way, and put
12 it out to the public in December last
13 year, but that's how we developed these
14 contracts.

15 Certainly, there are other
16 reports that may come along that the
17 Commission may decide to publish in its
18 entirety, without adopting it, but making
19 it available or taking it, looking at it
20 as a draft, as is required by the
21 contract, and fashioning it into a
22 document that they believe has more value

005984

1 to the public.

2 Let me add, as I said at the
3 beginning, this was the first step in an
4 effort that's going to go on. As part of
5 that report and part of the recommendation
6 in that draft report, by the way, which is
7 clearly stated in the record that we
8 issued, we have taken a number of those
9 recommendations and are moving forward in
10 that comprehensive process to reach out to
11 other people involved in this area to get
12 even more information.

13 So that's where we are, that is
14 what we did, and I will gladly answer any
15 other questions that you have.

16 MR. DEGREGORIO: Paul
17 DeGregorio. Let me add to what Tom has
18 said about these reports. You might
19 remember because I was present when this
20 body met back in May and had some concerns
21 about the reports that we issued about the
22 information that's contained in the

005985

1 reports, and the research and information
2 that's contained to make sure that it's
3 accurate and that it's fair to all
4 concerned. And I think we have treated
5 this particular report no different than
6 the other reports that we received and the
7 research we received.

8 And Tom is exactly right, it was
9 a draft, and we did report to you -- [REDACTED]
10 [REDACTED] reported to this body back in May the
11 status of this particular report. But I
12 think it's always incumbent on the EAC
13 before we put our empamater (sic) on
14 whatever document we issue as a body to
15 make sure national information that we
16 would put out as a Commission is correct
17 and is fair to all parties concerned.

18 And in this particular case, we
19 know that DOJ had a concern about some of
20 the information that was provided to us
21 that they felt was inaccurate. So it was
22 issues like that that our general counsel

005986

1 looked at the whole picture, and looked at
2 what the intent was from the beginning of
3 what this report was supposed to be, and
4 then came to the EAC with her research on
5 this, and with the document that we were
6 comfortable with that leads to the future
7 or that needs to be done in research in
8 this particular area.

9 And also as Tom said, included a lot
10 of information that's on our web site
11 where people can go and find detailed
12 reports and studies about voter fraud and
13 voter intimidation, very good studies,
14 very good information. We didn't take a
15 stand on those particular documents, but
16 we provided them as informational, as we
17 will continue to do.

18 MR. THOMAS: Jim Dickson, you
19 are back in the room. You are co-sponsor.
20 Would you like to speak to this
21 resolution?

22 MR. DICKSON: Yes. Thank you.

005987

1 Jim Dickson.

2 I support this resolution, but I
3 also support its underlying notion of
4 supporting transparency and openness. I
5 absolutely am certain in my own heart that
6 everyone on the Commissioner and staff are
7 doing the best that you can do under very
8 different circumstances in educating and
9 informing the country's debate, and
10 providing practical assistance to election
11 officials.

12 Unfortunately, it seems to me
13 you can say we receive this report without
14 saying we accept it. You can receive a
15 report without saying this is our
16 position. And I would encourage the
17 Commission to think that way because the
18 flip side of it is whenever a report is
19 issued that was paid for with public money
20 and something is redacted, it just sends
21 the paranoids through the roof. They are
22 probably going to go through the roof

005988

1 anyway, but we don't need to give them
2 ammunition.

3 There are many people of good
4 will, when they see a redacted report in
5 the public, it just raises doubt. They
6 don't live and breathe this very complex
7 topic the way we do. And when the
8 Commission sends out something that's
9 redacted and it raises doubt in the press,
10 it raises doubt amongst people of good
11 will, that is beginning to create an
12 absolutely erroneous perception, but I am
13 afraid a very real perception, that the
14 Commission is about supporting the status
15 quo and protecting the administration of
16 elections.

17 Now, I want to be clear, I think
18 that that view is wrong. It's wrong in
19 spirit, it's wrong based on the facts, but
20 I urge passage of this so that we don't --
21 so that the Commission can be perceived as
22 doing the very valuable, open, hard work

005989

1 that the Commission is doing, and there is
2 no taint on it.

3 MR. THOMAS: Further discussion?
4 Mr. Overton.

5 MR. OVERTON: Thank you. I am
6 in favor of disclosure, I think, at the
7 very least to this Board of Advisors. My
8 understanding is that the Department of
9 Justice had access to report to review it.
10 Is that correct?

11 MS. QUINN: No. We had access
12 to the same draft report you did in May of
13 2006.

14 MR. OVERTON: So, basically,
15 only the Commissioners and their staffers
16 have had access to the report.

17 MS. HILLMAN: Clarification. I
18 believe it's correct that Mr. Dansanto was
19 a part of the working group.

20 MR. DONSANTO: I was a part of
21 the panel that was a reviewing panel.

22 MS. HILLMAN: I don't know, and

005990

1 in the absence of the staff person who
2 worked on it, I don't know which documents
3 that group saw. And DOJ should answer for
4 itself whether or not DOJ saw any more of
5 the report than the working group did.

6 MR. DONSANTO: Craig

7 Donsanto, Department of Justice.

8 This is a developing project. It's a
9 long-term project. It is a complex
10 project. It seems to measure something
11 that I have been trying to study for most
12 of my life. It is not an easy subject.

13 I was invited along with several
14 other people to be a part of a review
15 panel on this. Included on this review
16 panel was Gary Weinberg used to be head of
17 the voting rights division, and several
18 other people with a background in this
19 subject. We were given a preliminary
20 statement or preliminary product of these
21 contractors to look at. And the purpose
22 of us looking at it was to determine

005991

1 whether it was accurate and something to
2 be acted upon, and we found this -- not
3 just myself, but the panel in general,
4 found that that the report was
5 preliminary, it was incomplete, in some
6 cases, it was conclusionary, in a couple
7 instances, it was not accurate, and that
8 it needed more work.

9 And as a result of that session,
10 which was part of the internal review of
11 contractors work, it was resubmitted for
12 further work.

13 On the related issue of Freedom
14 of Information Act, as I understand it, it
15 is one of the pre decisional documents.
16 It would not be discoverable under FOIA.

17 It is a preliminary draft so it
18 would be not be releasable. And if I can
19 answer any more questions about this
20 preliminary process that I was privileged
21 to be a small part of, I will be pleased
22 to, but that's kind of it.

005992

1 MS. ARNWINE: Let me be very
2 clear. I am talking about the document
3 that was submitted to the Commission on or
4 about July of 2006. And I have no idea if
5 your panel review was after that point or
6 before then.

7 MR. DONSANTO: Sounds about
8 right.

9 MS. ARNWINE: I just think that
10 raises so many other issues that I don't
11 even want to get into them today. But I
12 will say that it is important that we --
13 on something this critical, it is
14 important, I think, that it had been
15 released. Because clearly if I had been
16 on the panel reviewing it in July, given
17 the differences that the Lawyers Committee
18 and DOJ has on some of these perceptions
19 of what's accurate and not accurate, we
20 might have had a different conclusion.
21 I just think that there's issues
22 here that are deep regarding the function

005993

1 of the EAC. And I do believe that there
2 are answers that we need to keep working
3 at, but I do think that it does not serve
4 this body well at all to be perceived in
5 any regard as suppressing information or
6 not sharing information with the public
7 that clearly would be informative to this
8 overall debate.

9 MR. THOMAS: Mr. Overton. You
10 had the floor when this exchange started.
11 Anything further?

12 MR. OVERTON: No. I think, at
13 the very least with regard to disclosure
14 to this body, I think I am in support of
15 the resolution.

16 MR. THOMAS: Cameron.

17 MS. QUINN: A couple things.
18 One going back to the issue of the when.
19 Craig, I could have sworn when we saw the
20 draft report in May, that you had just
21 been in the working group meeting.

22 MR. DONSANTO: That's accurate.

005994

1 MS. QUINN: So it's nowhere near
2 this July time frame.

3 MR. DONSANTO: Time passes when
4 you're having fun.

5 MS. QUINN: I have some vague
6 recollection, and it was a very balanced
7 group, but I don't recall offhand who was
8 in.

9 MR. DONSANTO: I believe that
10 the information that was released
11 contained the working groups identity of
12 all the people on the working group.

13 MS. QUINN: I thought it did.
14 It was a very balanced group of people on
15 both sides of the issue. I just don't
16 recall, and apparently no one from the EAC
17 does, who was on that working group.

18 MS. ARNWINE: Once again, the
19 question is in July, after the report was
20 issued, the working group was not
21 reconvened to review or to receive what
22 the final product was, to give any

1 analysis. And, of course, the role of the
2 working group is another one of my issues
3 here, but it was not reconvened to give
4 any input as to whether or not the report
5 was sufficient or if it had addressed the
6 concerns that had been raised in May. And
7 I just continue to say that I think this
8 was not handled in the best way, and that
9 there needs to be disclosure of this
10 information.

11 MS. QUINN: If I can just finish
12 out on saying on a completely different
13 subject, they have got four corrections on
14 typos I would like to suggest when it's
15 appropriate.

16 MS. HILLMAN: I just want to
17 state I think it's hard for all us here
18 from the EAC to recite dates and sequences
19 of events because the staff who worked on
20 this are not in this room.

21 Now, I for one am on record
22 saying that the EAC should have handled

005996

1 the time frame of our review and how we
2 expedited the information from once we
3 received, that clearly was not our finest
4 hour. It could not have been helped. I
5 am forever probably going to wonder what
6 would life have been like on this
7 Commission had we not had an FDE cap, had
8 we had a full budget the first year we
9 were in operation, if we could have been
10 able to operate at a level of capacity
11 that we know we need.

12 Be that as it may, we couldn't,
13 and so we were really ham strung this
14 summer by having one of our soldiers down
15 for a while, and we just didn't pick up
16 the ball fast enough. That's past tense.
17 There is not much we can do about that.
18 And so with respect to who saw what when
19 after the May working group, I can't shed
20 light on that.

21 With respect to when the people
22 who were quoted in sections of the

005997

1 information we received from the
2 consultants, I know that there, as a part
3 of our due diligence process, verification
4 of that information to see if, in fact, it
5 was an accurate reflection of the dialogue
6 and conversation that went on. How that
7 was done, I don't know. I don't know if
8 it was done over the phone or how staff
9 verified the information, but I do want to
10 also clarify to this body that information
11 we give the Board of Advisors is public
12 information. So it's not like we can give
13 you a document that we can't make public.

14 MR. LEWIS: I have listened
15 to this discussion and I have struggled
16 with what's the appropriate role for the
17 Board of Advisors, and what really is the
18 business of the Commission itself. And if
19 we adopt this kind of resolution, then it
20 says to me that the contractors have more
21 authority than the Commissioners because
22 the contractors get to propose what they

00599

1 propose, write what they write, and then
2 you don't have any ability at that point
3 to say, well, that's not our position, and
4 that's not where we went to recommend to
5 the public, and we don't find enough
6 supporting information or documentation or
7 we think it's too filled with personal or
8 anecdotal stuff for us to be able to
9 support it.

10 I will tell you, at least at the
11 election center when we deal with
12 contractors, they understand they are
13 submitting things outside, and that we may
14 or may not publish it in it's native
15 format. We may or may not share it with
16 others. And I'm going to guess that every
17 governmental office in this room does sort
18 of the same sort of thing.

19 This seems to me, with all due
20 respect to the strong feelings that I know
21 that are viewed in this kind of study and
22 the issues related to it, I think it's

005999

1 appropriate for us to have that discussion
2 within these walls, but not necessarily
3 whether or not this body ought to have the
4 ability to review the native format and
5 then tell the Commission how it's supposed
6 to react to that. I think that usurps the
7 authority of the Commission, and quite
8 frankly, I won't be for that.

9 MS. KAUFMAN: I would like to
10 move the previous question. It requires a
11 secretary takes a two thirds vote to pass.

12 MR. THOMAS: I guess that gets
13 us to all in favor, call it to question
14 all. Cutting off debate, the question to
15 cut off debate.

16 MS. QUINN: Mr. Chairman, can I
17 ask that we're going to vote on this and
18 there are typos.

19 MR. THOMAS: We're not voting on
20 this. We're voting on calling the
21 questions.

22 MS. ARNWINE: Unreadiness. I

1 would like to respond to the authority
2 question.

3 MR. THOMAS: The question's been
4 called. I'm sorry. I have to move to
5 that. All in favor of calling the
6 question to cut off debate, I. Opposed?
7 Motion carries.

8 Now, therefore, be it resolved,
9 I'm going to ask my parliamentarian to
10 take care of typos. We will take care of
11 those later.

12 Now, therefore, be it resolved
13 that the Board of Advisors recommends to
14 the United States Election Assistance
15 Commission that it release the original
16 voter fraud and intimidation report to the
17 public, and in the alternative be it
18 resolved that the Board of Advisors
19 recommends to the United States Election
20 Assistance Commission that it, the EAC,
21 release the voter fraud and intimidation
22 record to the EAC Board of Advisors for

006001

1 it's review.

2 All in favor, say I. All
3 opposed, nay. Motion does not carry.

4 MR. CRANGLE: Mr. Chair, I think
5 I had received a proposed resolution, and
6 I have propose approached the committee
7 members and may I read it, because I don't
8 have copies for everyone.

9 MR. THOMAS: Please read it.

10 MR. CRANGLE: The resolution
11 would read, whereas the Election
12 Assistance Commission is an agency of the
13 United States Federal Government created
14 by the Help America Vote Act, and whereas
15 the ability of the EAC to conduct accurate
16 and timely research is necessary and
17 whereas the ability of the EAC to respond
18 with information which can assist
19 policymakers and Congress in time to
20 respond to proposed legislation, and
21 whereas, during election cycles, it is
22 urgent that the EAC have an ability to

006002

Tamar Nedzar [REDACTED]
07/31/2006 08:30 AM

To Sheila A. Banks [REDACTED]
cc
bcc
Subject Re: Bylaws [REDACTED]

Sheila,

Update: I have reviewed FACA and read through the Bylaws for the Board of Advisors and Standards Board. Not much, but...

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
Sheila A. Banks/EAC/GOV

[REDACTED] Sheila A. Banks/EAC/GOV
07/25/2006 07:47 AM

To Tamar Nedzar/EAC/GOV@EAC
cc
Subject Bylaws

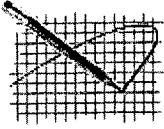
Tamar,

Please be ready to give Commissioner Hillman and I an update on the status of the Bylaws. This can be done via email if you prefer. We have an conference call with the Standards Board Executive Board on July 13 at 1:00 p.m. and the Bylaws are an agenda item.

Thanks,

Sheila

006003



Tamar Nedzar /EAC/GOV

08/20/2006 01:31 PM

To Sheila A. Banks/EAC/GOV@EAC

cc Juliet E. Thompson-Hodgkins/EAC/GOV@EAC

bcc

Subject Standards Board Bylaws Draft

Sheila,

Please find attached a draft of the bylaws. Because it is a draft, I erred on the side of being over-inclusive. In addition, you will see that I tracked changes instead of doing a strike-through, primarily because I made more changes than I anticipated, many of which were to the document's organization.

If you have any questions or would like assistance in creating an "changes at-a-glance" document, I will be in the office bright and early on Tuesday.

Enjoy the rest of your weekend!

Tamar Nedzar

Law Clerk

U.S. Election Assistance Commission

1225 New York Avenue, NW Suite 1100

Washington, DC 20005

(202) 566-1707

<http://www.eac.gov>



TNedzar@eac.gov Standards_Board_BYLAW'S_8_20_06.doc

006004

Jeannie Layson/EAC/GOV

07/07/2006 03:16 PM

To EAC Personnel

cc

bcc

Subject FOIA Request

History:

✉ This message has been replied to.

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to these requests, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position. Please let me know if you need a hard copy of the request.

I need this information and/or a response by COB July 28. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Transcend recently submitted an offer in response to RFP 06-02 (RFQ142611). The contract was awarded to the Cresston Company, LLC d.b.a. Compass Languages. Under the Freedom of Information Act, I would like to request copies of the following documents: 1) The full proposal submitted by the Cresston Company for RFP 06-02 (RFQ142611); 2) a list of all offerors and the costs proposed for each; 2) our scores on each component of the evaluation criteria for the technical proposal and the scores of the Cresston Company technical proposal. Criteria includes relevant organizational experience (max 65 points), quality and look of samples (max 10 points), compliance with proposal instructions (max 5 points) and results of reference checks (max 20 points).

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

006005

Jeannie Layson/EAC/GOV

08/28/2006 11:14 AM

To EAC Personnel

cc

bcc

Subject FOIA request regarding poll worker findings

History:

✉ This message has been replied to.

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to these requests, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by COB September 1, 2006. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

In a follow up to her original FOIA request for information regarding RFP 05-05 (poll worker recruitment, training, and retention), Bonnie Glaser of [REDACTED] has placed another FOIA request, asking for the poll worker report and findings referenced by Kay Maxwell in her testimony at our May public meeting. In her testimony, Kay said "Our report submitted to the EAC includes a detailed description of all our findings, as well as the methodology employed."

Please see me if you have any questions.

Jeannie Layson
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Phone: 202-566-3100
www.eac.gov

006006

Jeannie Layson/EAC/GOV
08/28/2006 04:49 PM

To EAC Personnel
cc
bcc
Subject FOIA REQUEST

History:  This message has been replied to.

Hello (again) everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to this request, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by COB September 15, 2006. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

"I am writing to make a formal request for materials pursuant to the Freedom of Information Act. In particular, I am interested in receiving the following items: 1) All materials submitted by the Ohio Secretary of State that pertain to Ohio's expenditure of funds allocated under the Help America Vote Act; 2) All communications between the US Election Assistance Commission and the Ohio Secretary of State concerning HAVA-related matters; and 3) Any materials setting forth guidelines for spending HAVA funds."

This request was submitted by Michael Montgomery [REDACTED] Please let me know if you would like a copy of the FOIA request.

Please see me if you have any questions.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

006007

Bryan Whitener/EAC/GOV
10/20/2006 02:55 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC,
Brian Hancock/EAC/GOV@EAC, Laiza N.
cc Jeannie Layson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Gavin S.
bcc

Subject Response Requested - URGENT Please send documents

History:  This message has been replied to.

It is urgent that we obtain electronic attachments of all documents presented at the Standards Board and Board of Advisors public meetings last May. Please respond affirmatively or negatively if ANY of these documents were submitted by you and clearly identify them. At minimum, they consist of the items contained in the notebooks that were circulated. Since these were public meetings, we need to obtain any documents that were presented at the meetings (in or out of a notebook). If you have them, please email them to me ASAP.

Thanks for your cooperation,
Bryan Whitener

006008


Jeannie Layson/EAC/GOV

10/20/2006 03:42 PM

To Bryan Whitener/EAC/GOV@EAC

cc Amie J. Sherrill/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, Brian
Hancock/EAC/GOV@EAC, Edgardo

bcc

Subject Re: Response Requested - URGENT Please send
documents 

Just want to make sure everyone understands... we're not going to distribute or post this information. However, we need to get copies of all of the same documents that were included in the notebook and house them in one place on the server. These are considered public documents, and we are obligated to provide them if requested. We just want to make sure we have access to them if we get requests. Please let me know if you have any questions.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Bryan Whitener/EAC/GOV

Bryan Whitener/EAC/GOV

10/20/2006 02:55 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC,
Brian Hancock/EAC/GOV@EAC, Laiza N.
Otero/EAC/GOV@EAC, Tamar Nedzar/EAC/GOV@EAC,
Amie J. Sherrill/EAC/GOV@EAC, Elieen L.
Collver/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC,
Bert A. Benavides/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC

Subject Response Requested - URGENT Please send documents

It is urgent that we obtain electronic attachments of all documents presented at the Standards Board and Board of Advisors public meetings last May. Please respond affirmatively or negatively if ANY of these documents were submitted by you and clearly identify them. At minimum, they consist of the items contained in the notebooks that were circulated. Since these were public meetings, we need to obtain any documents that were presented at the meetings (in or out of a notebook). If you have them, please email them to me ASAP.

Thanks for your cooperation,
Bryan Whitener

006009

Bryan Whitener/EAC/GOV
10/20/2006 04:32 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC,
Brian Hancock/EAC/GOV@EAC, Laiza N.
cc Jeannie Layson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Gavin S.
bcc

Subject Amie has all the docs from the notebooks

All, a big thanks to Amie. She's provided all the docs from the notebooks. Thank you too Laiza.

----- Forwarded by Bryan Whitener/EAC/GOV on 10/20/2006 04:28 PM -----

Bryan Whitener/EAC/GOV
10/20/2006 02:55 PM

To Karen Lynn-Dyson/EAC/GOV, Margaret Sims/EAC/GOV,
Edgardo Cortes/EAC/GOV, Brian Hancock/EAC/GOV, Laiza
N. Otero/EAC/GOV, Tamar Nedzar/EAC/GOV, Special
Assistants
cc Jeannie Layson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC
Subject Response Requested - URGENT Please send documents

It is urgent that we obtain electronic attachments of all documents presented at the Standards Board and Board of Advisors public meetings last May. Please respond affirmatively or negatively if ANY of these documents were submitted by you and clearly identify them. At minimum, they consist of the items contained in the notebooks that were circulated. Since these were public meetings, we need to obtain any documents that were presented at the meetings (in or out of a notebook). If you have them, please email them to me ASAP.

Thanks for your cooperation,
Bryan Whitener

006010

Bryan Whitener/EAC/GOV

10/23/2006 12:11 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC,
Brian Hancock/EAC/GOV@EAC, Laiza N.
cc Jeannie Layson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Gavin S.

bcc

Subject FYI - Documents posted from Board Meetings (Voter Fraud,
etc.)

All:

The notebook documents presented at the Standards Board and Board of Advisors public meetings last May have been posted on the shared "T" drive under the "Media and Communications" folder. They can be accessed as follows.

The full path top down is:

" EAC_Shared_Files\$ on 'Server - CIO EAC File Server (icoh2s-eac-fp)' (T:) "

" Media and Communications "

" BoA Research materials"

###

006011



Tamar Nedzar/EAC/GOV

11/29/2006 03:42 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Re: Urgent-- FOIA Request Eagleton materials

You might want to check with Joanna Tepper. When she moved the contract files to get the FY '07 drawers ready, I believe she noted that that particular binder was missing. At the very least, I know she came across a binder labeled "2 of x," but one or more in the series was missing.

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-1707
<http://www.eac.gov>
TNedzar@eac.gov

-----Karen Lynn-Dyson/EAC/GOV wrote: -----

To: EAC Personnel
From: Karen Lynn-Dyson/EAC/GOV
Date: 11/29/2006 03:28PM
Subject: Urgent-- FOIA Request Eagleton materials

All-

As everyone knows, we have a FOIA request which involves, in part, materials from the Eagleton/Moritz contract.

In an effort to pull these materials together I have gone to the EAC Contracts file (located outside of Tom's office) only to discover one of the binders is missing. The binder was there last week and is now missing.

If you have this Eagleton Contract Binder 1 (4 inches thick) please return to me ASAP.

Thanks

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

006012

FOIA; 5-7-2007"


@PJL SET JOBATTR="JobAcct1=TamarNedzar"

@PJL SET JOBATTR="JobAcct2

006013



Tamar Nedzar/EAC/GOV
08/29/2006 07:52 AM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA request regarding poll worker findings 

NO RECORDS.

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-1707
<http://www.eac.gov>
TNedzar@eac.gov
Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
08/28/2006 11:14 AM

To EAC Personnel
cc
Subject FOIA request regarding poll worker findings

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to these requests, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by COB September 1, 2006. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

In a follow up to her original FOIA request for information regarding RFP 05-05 (poll worker recruitment, training, and retention), Bonnie Glaser of UCAL at Berkeley has placed another FOIA request, asking for the poll worker report and findings referenced by Kay Maxwell in her testimony at our May public meeting. In her testimony, Kay said "Our report submitted to the EAC includes a detailed description of all our findings, as well as the methodology employed."

Please see me if you have any questions.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

006014

Tamar Nedzar/EAC/GOV

08/29/2006 07:51 AM

To Jeannie Layson/EAC/GOV@EAC

cc

bcc

Subject Re: FOIA REQUEST

NO RECORDS.

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-1707
<http://www.eac.gov>
TNedzar@eac.gov
Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV

08/28/2006 04:49 PM

To EAC Personnel

cc

Subject FOIA REQUEST

Hello (again) everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to this request, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by COB September 15, 2006. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

"I am writing to make a formal request for materials pursuant to the Freedom of Information Act. In particular, I am interested in receiving the following items: 1) All materials submitted by the Ohio Secretary of State that pertain to Ohio's expenditure of funds allocated under the Help America Vote Act; 2) All communications between the US Election Assistance Commission and the Ohio Secretary of State concerning HAVA-related matters; and 3) Any materials setting forth guidelines for spending HAVA funds."

This request was submitted by Michael Montgomery of Baker & Hostetler LLP of Cleveland, Ohio. Please let me know if you would like a copy of the FOIA request.

Please see me if you have any questions.


Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005

006015

Phone: 202-566-3100
www.eac.gov

008016

Tamar Nedzar/EAC/GOV
07/07/2006 03:33 PM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request 

no records.

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
07/07/2006 03:16 PM

To EAC Personnel
cc
Subject FOIA Request

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to these requests, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position. Please let me know if you need a hard copy of the request.

I need this information and/or a response by COB July 28. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Transcend recently submitted an offer in response to RFP 06-02 (RFQ142611). The contract was awarded to the Cresston Company, LLC d.b.a. Compass Languages. Under the Freedom of Information Act, I would like to request copies of the following documents: 1) The full proposal submitted by the Cresston Company for RFP 06-02 (RFQ142611); 2) a list of all offerors and the costs proposed for each; 3) our scores on each component of the evaluation criteria for the technical proposal and the scores of the Cresston Company technical proposal. Criteria includes relevant organizational experience (max 65 points), quality and look of samples (max 10 points), compliance with proposal instructions (max 5 points) and results of reference checks (max 20 points).


Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100

006017

www.eac.gov

006019

Tamar Nedzar/EAC/GOV
02/06/2006 09:54 AM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA REQUEST 

Hi Jeannie,

No records!

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
02/03/2006 02:47 PM

To EAC Staff
cc
Subject FOIA REQUEST

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to these requests, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position. Please let me know if you need a hard copy of the requests and the related attachments.

I need this information and/or a response by COB February 17. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation.

1. "We are seeking all agency records concerning agency contracts awarded between July 9, 2004 and the date of the receipt of this letter (February 3, 2006). The documents sought include, but are not limited to, documents regarding contracts, memoranda of understanding, and fee-for-service agreements in the employment of Brittain 'Brit' Williams and Paul Craft by the U.S. Election Assistance Commission (EAC). We also seek documents regarding contracts, memoranda of understanding, and fee-for-service agreements and employment of other current or former members of EAC's Technical Guidelines Development Committee (TGDC)."
2. "We are seeking the following records concerning the performance of the Election Assistance Commission's (EAC) agency contract number EAC-0544 awarded under no-bid circumstances to Kennesaw State University. The documents sought include: (a) Database of Comments filed with the EAC on the Voluntary Voting System Guidelines found in the EAC's Voluntary Voting System Guidelines Tracking and Management System. If possible, we request that you provide this on CD-Rom. (b) The

006019

individuals or organizations and their comments on the Voluntary Voting System Guidelines and the records related to the assignment of reference numbers as listed in the 'Tracking Management System.'"
(c) Records that define or explain the meaning of the 'Accept/Reject' designation in the 'Section Comments Sorted by Section Number' document provided by the agency under a FOIA request."

Jeannie Layson
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

006020



Tamar Nedzar /EAC/GOV
01/04/2007 11:17 AM

To jwickliffe@gpo.gov
cc
bcc
Subject Training for publishing in the CFR

Mr. Wickliffe,

Four of our staff members would like to attend your next training on how to publish in the CFR . Tuesday and Thursday mornings are generally easiest for us to accomodate . The four staff members are:

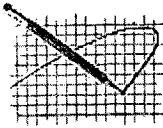
Juliet Hodgkins, General Counsel
Gavin Gilmour, Associate General Counsel
Tamar Nedzar, Law Clerk
Bryan Whitener, Communications Assistant

Please let me know when your next training will be and if you need any further information from us .

Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-1707
<http://www.eac.gov>
TNedzar@eac.gov

006021



Tamar Nedzar/EAC/GOV

01/14/2007 09:52 PM

To jhodgkins@eac.gov

cc

bcc

Subject Fw: RE: Federal Register liaison training workshop

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-1707
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TNedzar@eac.gov

-----Forwarded by Tamar Nedzar/EAC/GOV on 01/14/2007 09:50PM -----

To: tnedzar@eac.gov, kgiles@gpo.gov
From: "Michael White" <michael.white@nara.gov>
Date: 01/12/2007 04:30PM
cc: "Allyson Christou" <Allyson.Christou@nara.gov>
Subject: RE: Federal Register liaison training workshop

We will be happy to discuss these issues and offer advice, especially if we can see concrete examples of materials with an explanation as to how they would apply to the regulated or affected parties.

One of the complexities of the modern Federal regulatory system is the often blurry line between traditional direct rulemaking action (rules of general applicability and legal effect applied to the public or a defined class) and other quasi-regulatory schemes set up by statute.

A non-traditional indirect regulatory system may be created through an extensive system of grant requirements that must be applied by the recipient to carry out a regulatory objective, or other cases where there is voluntary acceptance of broad Federal regulatory oversight by parties who receive a Federal benefit in return for compliance.

Where there is a one-off set of grant or program requirements, it is only necessary to have general set of grant/program regulations, which may include general reporting requirements. Then the specifics of the one-and-done grant application and administration process may be handled in a Notice. However, if the grant program requirements are extensive, on-going, and subject to regular updates, it may be more appropriate to codify all the requirements in the CFR.

For instance, a grant Notice should be a complete, self-contained document framed for one time actions (who is eligible, how to apply, how to administer and report back). A Notice can only be supplemented and corrected, but not amended in the manner of a codified regulation, whereas the CFR readily accommodates the amendment process for ongoing, evolving programs.

Similarly, the voluntary model of regulation includes something that might be called "Federal regulations once removed." The Federal standards may not be enforceable regulations in and of themselves, but

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once adopted by states, they take on regulatory effect at the state level. If the Federal model regulations or proto-regulations need to look and function like traditional regulations, then they may need to be included in the CFR.

Michael White
Director of Legal Affairs and Policy
Office of the Federal Register
National Archives and Records Administration
Location: 800 North Capitol St NW, Washington DC 20002
Mail: 8601 Adelphi Road, College Park MD 20740
Email: michael.white@nara.gov
Alternate Email: michael.white@tmo.blackberry.net
Tel: 202-741-6025 Fax: 202-741-6026
>>> "Giles, Kent H." <kgiles@gpo.gov> 01/12/07 3:51 PM >>>
Tamar - I think you might want to consult our attorneys on the issues
you
set out below. Their contact information is as follows:

Legal Affairs and Policy: 202 741-6030

Christou, Allyson

741-6024

allyson.fenton@nara.gov

White, Michael

741-6025

michael.white@nara.gov

006023

[Michael and Allyson - as background, EAC is preparing to establish a new CFR chapter.]

Kent Giles
Office of the Federal Register
Scheduling Unit
(202) 741-6062

-----Original Message-----

From: tnedzar@eac.gov [<mailto:tnedzar@eac.gov>]
Sent: Friday, January 12, 2007 2:41 PM
To: kgiles@gpo.gov
Subject: RE: Federal Register liaison training workshop

Some of our guidance is voluntary, but it does have general applicability. For example, we publish the Voluntary Voting Systems Guidelines, which are not requirements, but which many states by statute or rulemaking follow. Since states administer elections, the Federal government cannot require that they do so in a specific way in most cases. But if a state chooses to adopt the VVSG for their voting systems, their statute may require adherence to the guidance.

Another example is our voting system certification manual, which describes

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the processes voting machine manufacturers must go through to become EAC certified for use in Federal elections.

In addition, we provide funding to the states to replace their voting equipment and educate their voters. States have to comply with specific reporting requirements to receive the funds.

We also run a grant program that provides money to colleges and universities to encourage college-aged citizens to become poll workers.

I am sure there are other programmatic areas that we are considering including. Maybe a rundown of what other agencies typically include/do not include in the CFR would be helpful?

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U.S. Election Assistance Commission
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Washington, DC 20005
(202) 566-1707
<http://www.eac.gov><<http://www.eac.gov>>
TNedzar@eac.gov <<mailto:TNedzar@eac.gov>>

-----"Giles, Kent H." <kgiles@gpo.gov> wrote: -----

To: "'tnedzar@eac.gov'" <tnedzar@eac.gov>
From: "Giles, Kent H." <kgiles@gpo.gov>
Date: 01/12/2007 01:52PM
Subject: RE: Federal Register liaison training workshop

We are at 800 North Capitol Street, Suite 700 . If you take Metrorail to Union Station, you can walk down Massachusetts Avenue (past the Postal Museum and Capitol Brewing Company) to North Capitol Street . Turn right on North Capitol and walk one long block. Our building is at the corner of North Capitol and H Streets, on the left side as you walk north. You will recognize our building by the Au Bon Pain restaurant on the first floor.

I would like clarification of your question #3. Can you describe the manuals and program documents that you wish to publish in the CFR? I am asking because documents that do not impose requirements with general applicability and legal effect, and do not affect a rulemaking proceeding, should remain in the Notices section. I want to make sure I understand

006025

your
question.

Thanks -

Kent Giles

Office of the Federal Register

Scheduling Unit

(202) 741-6062

-----Original Message-----

From: tnedzar@eac.gov [<mailto:tnedzar@eac.gov>]

Sent: Friday, January 12, 2007 1:17 PM

To: kgiles@gpo.gov

Subject: RE: Federal Register liaison training workshop

Great! Just one more question. Where is your office?

Minor detail.

Tamar Nedzar

Law Clerk

U.S. Election Assistance Commission

1225 New York Avenue, NW Suite 1100

Washington, DC 20005

(202) 566-1707

<http://www.eac.gov> <<http://www.eac.gov/>>

TNedzar@eac.gov <<mailto:TNedzar@eac.gov>>

-----"Giles, Kent H." <kgiles@gpo.gov> wrote: -----

To: "'tnedzar@eac.gov'" <tnedzar@eac.gov>

From: "Giles, Kent H." <kgiles@gpo.gov>

Date: 01/12/2007 01:17PM

Subject: RE: Federal Register liaison training workshop

Thanks for the list of questions, Tamar - I will address them at the workshop.

We will be glad to have Mr. Cortes as a participant.

Kent Giles

Office of the Federal Register

006026

Scheduling Unit

(202) 741-6062

-----Original Message-----

From: tnedzar@eac.gov [mailto:tnedzar@eac.gov]

Sent: Friday, January 12, 2007 12:58 PM

To: kgiles@gpo.gov

Cc: ggilmour@eac.gov; jhodgkins@eac.gov; ecortes@eac.gov

Subject: RE: Federal Register liaison training workshop

Mr. Giles,

Please find below a list of questions we have. If some of them are questions that should be directed to another department, please let me know to whom I should address them. I am sure other questions will come up as well, but we can address them in time.

- 1) Is there a Commission-structured federal agency that runs certification programs you can point to as a good example for structuring our parts and sub-parts? For example, is the FCC organized well? Should we follow the US Postal Commission's structure?
- 2) If something has been published in the Federal Register as a final version for notice and coment purposes, will we have to re-publish it once we have modified its organization for the CFR?
- 3) Do you have a checklist of things we should be doing when publishing manuals and program documents in the Federal Register for notice/comment purposes that will enable us to use the same publications for CFR purposes?
- 4) Can you explain the differences in the kinds of CFR officers? Liaison, Certifying, and Authorizing?
- 5) How much lead time does your office need to review a document and

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suggest
changes?

6) What is your office's turnaround time once documents are submitted to your office for suggestions?

7) Do you recommend publishing large guidance materials in parts/subparts or in appendices? What do other agencies do? How do they accomodate for revisions to such guidance materials?

8) Our agency has statutory authority over laws that were previously under the purview of a different agency. How should we handle transfer of those regulations to our section? Is transfer necessary? Advisable?

9) Since we are a January agency, is it the case that anything we publish in the CFR this year will not be in hard copy until January, 2008, but will be available online before then?

10) Please outline the different kinds of publications agencies typically include in the CFR and how the structures and processes differ for each.

Also, is it possible to add Edgardo Cortes, Election Research Specialist, to the list of participants?

As you can see, we have a lot of questions as we are new to this process!

Thank you,

Tamar Nedzar
Law Clerk
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(202) 566-1707
<http://www.eac.gov> <<http://www.eac.gov/>>
Tnedzar@eac.gov <<mailto:Tnedzar@eac.gov>>

006028

-----"Giles, Kent H." <kgiles@gpo.gov> wrote: -----

To: "'tnedzar@eac.gov'" <tnedzar@eac.gov>
From: "Giles, Kent H." <kgiles@gpo.gov>
Date: 01/09/2007 01:10PM
Subject: RE: Federal Register liaison training workshop

The list of questions would be very welcome. Thanks--

Kent Giles

Office of the Federal Register

Scheduling Unit

(202) 741-6062

006029



"Giles, Kent H."
<kgiles@gpo.gov>
01/17/2007 10:27 AM

To "tnedzar@eac.gov" <tnedzar@eac.gov>
cc
bcc
Subject Moving regulations to new CFR chapter

Hello, Tamar. I checked the Department of Homeland Security reorganization to see whether I could find an example of regulations transferred from one CFR chapter to another. However, DHS did not do it that way. They added regulations to title 6 part by part.

I talked to my supervisor, Jim Wickliffe, and he recommended the other option that we discussed in yesterday's workshop. That is, the other agency could simply remove regulations from its chapter, and you could add the new regulations (in their entirety) in your chapter. It could be done in separate final rules - you would not have to do a joint rulemaking. If you wanted to have the final rules publish on the same day, EAC and the other agency could each reference the companion final rule in cover letters and coordinate the submission of the two final rules to OFR.

Let me know if you have questions -

Kent Giles
Office of the Federal Register
Scheduling Unit
(202) 741-6062

006030

Tamar Nedzar/EAC/GOV

05/18/2006 04:36 PM

To cdonsanto@usdoj.gov, weinutr@verizon.net,
assistant@sos.in.gov, krogers@sos.state.ga.us,
jrperez50@sbcglobal.net, mhearne@lathropage.com,
cc Margaret Sims/EAC/GOV@EAC, Edgardo
Cortes/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC

bcc

Subject Senate and House Conference Reports

All,

As discussed in the meeting today, please find attached the House and Senate Conference Reports associated with the passage of HAVA. In each document, the word "fraud" is capitalized, bolded, and highlighted.

Kind Regards,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov



House Conference Report.doc



Senate Conference Report.doc

006031



Tamar Nedzar/EAC/GOV

11/30/2005 05:25 PM

To wang@tcf.org, serebrov@sbcglobal.net

cc Margaret Sims/EAC/GOV@EAC

bcc

Subject Search Results Example

Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and vot! And suppress! Or African w/s American and vot! And suppress or African w/s and disenfranchis! or black and disenfranchis!

If this search yields useful cases for you, I can continue searching using the same strategy. If not, please provide me with additional guidelines and I will do my best!

Please feel free to contact me should you have any questions or need additional information.

Thank you,
Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>



TNedzar@eac.gov African American Search.pdf

006032

Tamar Nedzar/EAC/GOV
12/05/2005 09:43 AM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Fw: Search Results Example

Don't know if you saw this or not.

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
----- Forwarded by Tamar Nedzar/EAC/GOV on 12/05/2005 09:44 AM -----



"Job Serebrov"
<serebrov@sbcglobal.net>
12/02/2005 05:18 PM

To tnedzar@eac.gov
cc wang@tcf.org
Subject Re: Search Results Example

Tamar:

You are not going to be able to place all of these word searches together. We need you to take each term on the list and do a search on it. You can only merge terms when it will not add other terms and therefore affect the outcome. For instance, vote and voter could probable be merged. I know this creates much much more work but it can't be helped. I would like you to pull the first 50 cases for each set of terms and send them to us with a short case summary (I know Westlaw lets you do a short case summary). From there we will have to read the cases and decide if we need any others in that search term.

Regards,

Job

--- tnedzar@eac.gov wrote:

Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and

006033

combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and vot! And suppress! Or African w/s American and vot! And suppress or African w/s and disenfranchis! or black and disenfranchis!

If this search yields useful cases for you, I can continue searching using the same strategy. If not, please provide me with additional guidelines and I will do my best!

Please feel free to contact me should you have any questions or need additional information.
Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

006034

Tamar Nedzar/EAC/GOV

12/05/2005 10:24 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc Margaret Sims/EAC/GOV@EAC

bcc Karen Lynn-Dyson/EAC/GOV@EAC

Subject RE: Search Results Example

Tova and Job,

Thank you for your feedback. There are two factors that went into my decision to perform the search in the manner I indicated which may have a bearing on whether you want me to do each search individually.

First, I checked with the Lexis representative at my school, who suggested the search methodology I used. She indicated that I would get the same results if I did the searches separately or together.

Second, as I am in the midst of finals, as you can imagine, I have limited time to devote to work. I will only be in the office two days in the next two weeks and will not be able to do much work from home. As a result, I probably won't be able to do the majority of the searches until just after Christmas if I am to do the each term separately. If not, I should be able to get you results by the week before Christmas.

I will do whatever you and Peggy decide given your timelines, but wanted to let you know the factors that went into my decision.

Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
12/02/2005 05:22 PM

To tnedzar@eac.gov

cc "Job Serebrov" <serebrov@sbcglobal.net>

Subject RE: Search Results Example

And thank you for your work on this. Let us know if you have any questions.

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]

Sent: Friday, December 02, 2005 5:19 PM

To: tnedzar@eac.gov

Cc: wang@tcf.org

Subject: Re: Search Results Example

Tamar:

006035

You are not going to be able to place all of these word searches together. We need you to take each term on the list and do a search on it. You can only merge terms when it will not add other terms and therefore affect the outcome. For instance, vote and voter could probable be merged. I know this creates much much more work but it can't be helped. I would like you to pull the first 50 cases for each set of terms and send them to us with a short case summary (I know Westlaw lets you do a short case summary). From there we will have to read the cases and decide if we need any others in that search term.

Regards,

Job

--- tnedzar@eac.gov wrote:

Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and vot! And suppress! Or African w/s American and vot! And suppress or African w/s and disenfranchis! or black and disenfranchis!

If this search yields useful cases for you, I can continue searching using the same strategy. If not, please provide me with additional guidelines and I will do my best!

Please feel free to contact me should you have any questions or need additional information.
Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005

006036

(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

006037


Tamar Nedzar/EAC/GOV
12/05/2005 10:25 AM

To "Job Serebrov" <serebrov@sbcglobal.net>
cc
bcc
Subject Fw: Search Results Example

I just realized that I neglected to send this to you as well.

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
----- Forwarded by Tamar Nedzar/EAC/GOV on 12/05/2005 10:26 AM -----

Tamar Nedzar/EAC/GOV
12/05/2005 10:24 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc Margaret Sims/EAC/GOV@EAC
Subject RE: Search Results Example 

Tova and Job,

Thank you for your feedback. There are two factors that went into my decision to perform the search in the manner I indicated which may have a bearing on whether you want me to do each search individually.

First, I checked with the Lexis representative at my school, who suggested the search methodology I used. She indicated that I would get the same results if I did the searches separately or together.

Second, as I am in the midst of finals, as you can imagine, I have limited time to devote to work. I will only be in the office two days in the next two weeks and will not be able to do much work from home. As a result, I probably won't be able to do the majority of the searches until just after Christmas if I am to do the each term separately. If not, I should be able to get you results by the week before Christmas.

I will do whatever you and Peggy decide given your timelines, but wanted to let you know the factors that went into my decision.

Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
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(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"Tova Wang" <wang@tcf.org>



"Tova Wang"

006038



<wang@tcf.org>
12/02/2005 05:22 PM

To tnedzar@eac.gov
cc "Job Serebrov" <serebrov@sbcglobal.net>
Subject RE: Search Results Example

And thank you for your work on this. Let us know if you have any questions.

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]
Sent: Friday, December 02, 2005 5:19 PM
To: tnedzar@eac.gov
Cc: wang@tcf.org
Subject: Re: Search Results Example

Tamar:

You are not going to be able to place all of these word searches together. We need you to take each term on the list and do a search on it. You can only merge terms when it will not add other terms and therefore affect the outcome. For instance, vote and voter could probable be merged. I know this creates much much more work but it can't be helped. I would like you to pull the first 50 cases for each set of terms and send them to us with a short case summary (I know Westlaw lets you do a short case summary). From there we will have to read the cases and decide if we need any others in that search term.

Regards,

Job

--- tnedzar@eac.gov wrote:

Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or

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challenge or reject or election and African w/s
American or ballot and security and black or ballot
and security and African w/s American or black and
vot! And suppress! Or African w/s American and vot!
And suppress or African w/s and disenfranchis! or
black and disenfranchis!

If this search yields useful cases for you, I can
continue searching using the same strategy. If not,
please provide me with additional guidelines and I
will do my best!

Please feel free to contact me should you have any
questions or need additional information.
Thank you,

Tamar Nedzar
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Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

006040

Tamar Nedzar/EAC/GOV
12/05/2005 10:38 AM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Fw: Search Results Example

Job has spoken. I can do what he suggests so long as it is ok with you that they not get the results until after Christmas.

Just let me know!

Thanks,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

----- Forwarded by Tamar Nedzar/EAC/GOV on 12/05/2005 10:38 AM -----



"Job Serebrov"
<serebrov@sbcglobal.net>
12/05/2005 10:31 AM

To tnedzar@eac.gov
cc wang@tcf.org
Subject Re: Fw: Search Results Example

No. Please do the seperate searches as per my last instructions. If we don't get the results until after Christmas we will deal with it. I have performed both Westlaw and Lexis searches for years and I question the Lexis reps statement. I thought you were using Westlaw which tend to give a better result. In any case, we need the cases listed under each search term in groups of 50 with shor case descriptions.

Job

--- tnedzar@eac.gov wrote:

> I just realized that I neglected to send this to you
> as well.
>
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
> Washington, DC 20005
> (202) 566-2377
> <http://www.eac.gov>
> TNedzar@eac.gov
> ----- Forwarded by Tamar Nedzar/EAC/GOV on

006041

> 12/05/2005 10:26 AM -----
>
> Tamar Nedzar/EAC/GOV
> 12/05/2005 10:24 AM
>
> To
> "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
> cc
> Margaret Sims/EAC/GOV@EAC
> Subject
> RE: Search Results Example
>
>
>
>
>
> Tova and Job,
>
> Thank you for your feedback. There are two factors
> that went into my
> decision to perform the search in the manner I
> indicated which may have a
> bearing on whether you want me to do each search
> individually.
>
> First, I checked with the Lexis representative at my
> school, who suggested
> the search methodology I used. She indicated that I
> would get the same
> results if I did the searches separately or
> together.
>
> Second, as I am in the midst of finals, as you can
> imagine, I have limited
> time to devote to work. I will only be in the office
> two days in the next
> two weeks and will not be able to do much work from
> home. As a result, I
> probably won't be able to do the majority of the
> searches until just after
> Christmas if I am to do the each term separately. If
> not, I should be able
> to get you results by the week before Christmas.
>
> I will do whatever you and Peggy decide given your
> timelines, but wanted
> to let you know the factors that went into my
> decision.
>
> Thank you,
>
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
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> (202) 566-2377
> <http://www.eac.gov>
> TNedzar@eac.gov
>
>

006042

>
> "Tova Wang" <wang@tcf.org>
> 12/02/2005 05:22 PM
>
> To
> tnedzar@eac.gov
> cc
> "'Job Serebrov'" <serebrov@sbcglobal.net>
> Subject
> RE: Search Results Example
>
>
>
>
>
>
> And thank you for your work on this. Let us know if
> you have any
> questions.
>
>
> -----Original Message-----
> From: Job Serebrov [mailto:serebrov@sbcglobal.net]
> Sent: Friday, December 02, 2005 5:19 PM
> To: tnedzar@eac.gov
> Cc: wang@tcf.org
> Subject: Re: Search Results Example
>
>
> Tamar:
>
> You are not going to be able to place all of these
> word searches together. We need you to take each
> term
> on the list and do a search on it. You can only
> merge
> terms when it will not add other terms and
> therefore
> affect the outcome. For instance, vote and voter
> could
> probable be merged. I know this creates much much
> more
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> the first 50 cases for each set of terms and send
> them
> to us with a short case summary (I know Westlaw lets
> you do a short case summary). From there we will
> have
> to read the cases and decide if we need any others
> in
> that search term.
>
> Regards,
>
> Job
>
> --- tnedzar@eac.gov wrote:
>
>
> -----

006043

> Tova and Job,
>
> It was good to talk to you today. Hope you are doing
> well. I've attached my African American search
> results
> below. It encompasses all of the terms you suggested
> having to do with African Americans.
>
> The following is a search I used to truncate words
> and
> combine terms, but I still got a large number of
> results:
>
> Vot! and deny and black or vot! and black and
> challenge or vot! and black and reject or vot! and
> black or vot! And deny and African w/s American or
> vot! And African w/s American and reject or
> challenge
> or vot! And African w/s American or election and
> black
> and deny or challenge or reject or election and
> black
> or election and African w/s American and deny or
> challenge or reject or election and African w/s
> American or ballot and security and black or ballot
> and security and African w/s American or black and
> vot! And suppress! Or African w/s American and vot!
> And suppress or African w/s and disenfranchis! or
> black and disenfranchis!
>
> If this search yields useful cases for you, I can
> continue searching using the same strategy. If not,
> please provide me with additional guidelines and I
> will do my best!
>
> Please feel free to contact me should you have any
> questions or need additional information.
> Thank you,
>
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
> Washington, DC 20005
> (202) 566-2377
> <http://www.eac.gov>
> TNedzar@eac.gov
>
>
>
>
>
>
>

006044

Tamar Nedzar/EAC/GOV
12/19/2005 04:55 PM

To wang@tcf.org, serebrov@sbcglobal.net
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject First set of search results

Tova and Job,

Now that my exams are over for the semester, I am able to spend more time on your project. I plan to send you an email with my results from the day. Please find the first batch below.

Thanks,


Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov



TovaJob12_19.ZIP

006045

Tamar Nedzar/EAC/GOV
12/20/2005 09:45 AM

To "Job Serebrov"
<serebrov@sbcglobal.net>@GSAEXTERNAL
cc wang@tcf.org, Margaret Sims/EAC/GOV@EAC
bcc
Subject Re: Cases 

Job,

I was using Lexis because I don't have inter-semester access to Westlaw. In addition, Westlaw does not allow me to restrict to specific dates. However, I called the dean of my school this morning and he granted me access to Westlaw for the break on a limited basis, so I will start fresh with the terms.

In the student version of Westlaw, I can choose cases in the past 3 or 10 years, but cannot select a date range. I will use the 10 year limitation unless you write to tell me otherwise.

I'll send results tonight.

Thanks,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"
<serebrov@sbcglobal.net>
12/19/2005 09:30 PM

To TNedzar@eac.gov
cc wang@tcf.org
Subject Cases

Tamar:

I received your first Zip File today and there is another major problem. These look like Lexis and not Westlaw searches. The way this material is presented it is impossible to tell what is going on. I stated in my last e-mail that I wanted you to use Westlaw because you can pull up a short case evaluation for each case. These are no good to us without these evaluations. The evaluations list the parties, a short statement of facts and a short summary of the court's holding. I can only evaluate these cases with such a summary. Sorry to send you back to the drawing board but better now than after you substantially completed the assignment. If you can get these kind of evaluations with Lexis then go ahead but if not you need to use Westlaw.


006046

Regards,

Job

006047

Tamar Nedzar/EAC/GOV
12/20/2005 11:31 AM

To "Job Serebrov"
<serebrov@sbcglobal.net>@GSAEXTERNAL
cc wang@tcf.org, Margaret Sims/EAC/GOV@EAC
bcc
Subject Re: Cases 

Hi Job,

The Westlaw search took more than half an hour-I think because I can only download results into ASCII format. I did find a way to add a case summary to the Lexis output. I have attached the first search below. If this is useful to you, I would rather use Lexis because output into a PDF file is faster. If you'd still prefer me to use Westlaw, I'll have to figure out a way to shorten the search times.



fraud_and_election.pdf

Thanks,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"
<serebrov@sbcglobal.net>
12/20/2005 09:53 AM

To tnedzar@eac.gov
cc wang@tcf.org
Subject Re: Cases

Tamar:

Please use the 10 year range. The case summary is the most important item. In the US Courts version of Westlaw you can restrict by date.

Thanks,

Job

--- tnedzar@eac.gov wrote:

> Job,
>
> I was using Lexis because I don't have
> inter-semester access to Westlaw.
> In addition, Westlaw does not allow me to restrict

006048

> to specific dates.
> However, I called the dean of my school this morning
> and he granted me
> access to Westlaw for the break on a limited basis,
> so I will start fresh
> with the terms.
>
> In the student version of Westlaw, I can choose
> cases in the past 3 or 10
> years, but cannot select a date range. I will use
> the 10 year limitation
> unless you write to tell me otherwise.
>
> I'll send results tonight.
>
> Thanks,
>
> Tamar Nedzar
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> <http://www.eac.gov>
> TNedzar@eac.gov
>
>
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> "Job Serebrov" <serebrov@sbcglobal.net>
> 12/19/2005 09:30 PM
>
> To
> TNedzar@eac.gov
> cc
> wang@tcf.org
> Subject
> Cases
>
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>
> Tamar:
>
> I received your first Zip File today and there is
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> Westlaw searches. The way this material is presented
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> summary. Sorry to send you back to the drawing board
> but better now than after you substantially
> completed

006049

> the assignment. If you can get these kind of
> evaluations with Lexis then go ahead but if not you
> need to use Westlaw.

>

> Regards,

>

> Job

>

>

>

006050

Tamar Nedzar/EAC/GOV
12/20/2005 05:53 PM

To wang@tcf.org, serebrov@sbcglobal.net
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject Today's Searches

Tova and Job,

Please find below today's results. I modified the searches in Lexis so that the files now include the case summaries as well as headnotes. I'll keep plugging away tomorrow. Please be in touch if you have any questions.

Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov



12_20.ZIP

006051

Tamar Nedzar/EAC/GOV
12/20/2005 05:53 PM

To wang@tcf.org, serebrov@sbcglobal.net
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject Today's Searches

Tova and Job,

Please find below today's results. I modified the searches in Lexis so that the files now include the case summaries as well as headnotes. I'll keep plugging away tomorrow. Please be in touch if you have any questions.

Thank you,

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TNedzar@eac.gov



12_20.ZIP

006052

Tamar Nedzar/EAC/GOV
12/21/2005 09:44 AM

To wang@tcf.org@GSAEXTERNAL
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject Re: Today's Searches

Tova,

Please find below yesterday's search results. I'll send another email at the end of the day today.

If you do not receive the results again, please call me at the office. GSA will only allow us to send such large files after business hours, so it may be that your computer times out receipt after a certain amount of time.



12_20.ZIP

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
wang@tcf.org



wang@tcf.org
12/20/2005 08:52 PM

To "Job Serebrov" <serebrov@sbcglobal.net>,
tnedzar@eac.gov
cc psims@eac.gov
Subject Re: Today's Searches

Somehow I did not get the original email with the search results. Would someone please send them to me? Thanks. Tova

----- Original Message -----

From: "Job Serebrov" <serebrov@sbcglobal.net>
To: <tnedzar@eac.gov>; <wang@tcf.org>
Cc: <psims@eac.gov>
Sent: Tuesday, December 20, 2005 8:15 PM
Subject: Re: Today's Searches

> Tamar:
>
> This looks real good. Thanks for the excellent effort.
> I know this has not been the easiest assignment.
>
> Job

006053

>
> --- tnedzar@eac.gov wrote:
>
>> Tova and Job,
>>
>> Please find below today's results. I modified the
>> searches in Lexis so
>> that the files now include the case summaries as
>> well as headnotes. I'll
>> keep plugging away tomorrow. Please be in touch if
>> you have any questions.
>>
>>
>> Thank you,
>>
>> Tamar Nedzar
>> Law Clerk
>> U.S. Election Assistance Commission
>> 1225 New York Avenue, NW Suite 1100
>> Washington, DC 20005
>> (202) 566-2377
>> <http://www.eac.gov>
>> TNedzar@eac.gov
>>
>>
>>
>
>

006054

Tamar Nedzar/EAC/GOV
12/21/2005 05:21 PM

To wang@tcf.org, serebrov@sbcglobal.net
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject Results for 12/21/05

Hi Tova and Job,

Hope you're still finding the results helpful. Attached is today's installment. More to come tomorrow...



12_21.ZIP

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

006055

Tamar Nedzar/EAC/GOV
12/22/2005 09:39 AM

To "Job Serebrov"
<serebrov@sbcglobal.net>@GSAEXTERNAL,
wang@tcf.org
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject Re: Results for 12/21/05

Hi Job,

I anticipate sending 8-10 more emails. I can get through approximately 30 terms per day. If you would prefer that I hold on to a few days' worth of searches and send fewer emails, I am more than happy to do so.

I will not be sending another search email until the 27th as I will be working from home until then and do not have the means to send such large files when I am not at work. I can give you a better idea of how much longer it will take me at that point.

Happy Holidays!

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"
<serebrov@sbcglobal.net>
12/21/2005 05:33 PM

To tnedzar@eac.gov
cc
Subject Re: Results for 12/21/05

Tamar:

How far into the word search terms are you. I am trying to figure out how many daily file folders we will get before it is all over.

Regards,

Job

--- tnedzar@eac.gov wrote:

> Hi Tova and Job,
>
> Hope you're still finding the results helpful.
> Attached is today's

006056

> installment. More to come tomorrow...
>
>
>
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
> Washington, DC 20005
> (202) 566-2377
> <http://www.eac.gov>
> TNedzar@eac.gov

006057

Tamar Nedzar/EAC/GOV
12/29/2005 05:14 PM

To wang@tcf.org, serebrov@sbcglobal.net
cc Margaret Sims/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC
bcc
Subject Batches of Results

Tova and Job,

Please find below what I have completed since we last spoke. I will send you another email or two next week with the rest of the results.

Happy New Year!

Tamar Nedzar
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U.S. Election Assistance Commission
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(202) 566-2377
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12_27.zip



12_28.zip



12_29.zip

006058

Tamar Nedzar/EAC/GOV
01/06/2006 10:25 AM

To wang@tcf.org, serebrov@sbcglobal.net
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject First of five emails

Tova and Job,

I haven't forgotten about you. The server has been returning my batches of results for you because they exceed the maximum file size, so I will be sending you 5 emails today and one or two more from my home computer either tonight or tomorrow.

Please call if you have questions.

Thank you,

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12_27.zip

006059

Tamar Nedzar/EAC/GOV
01/06/2006 10:28 AM

To wang@tcf.org, serebrov@sbcglobal.net
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject 2nd of 5 emails

Tamar Nedzar
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12_28.zip

006060

Tamar Nedzar/EAC/GOV
01/06/2006 10:30 AM

To wang@tcf.org, serebrov@sbcglobal.net
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject 3rd of 5 emails

Tamar Nedzar
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12_29.zip

006061

Tamar Nedzar/EAC/GOV
01/06/2006 10:32 AM

To wang@tcf.org, serebrov@sbcglobal.net
cc
bcc
Subject 4th of 5 emails

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African American Vote Fraud Terms.zip

006062